

Issued September 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1052.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EVAPORATED MILK.

On April 28, 1911, the United States Attorney for the Northern District of Illinois, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 219 cases containing 10,512 cans of evaporated milk found in the warehouse of the Kepler Warehouse Co. The cases containing said milk were labeled as follows: "Faultless Brand Evaporated Milk—Faultless Condensed Milk Company, Kansas City, Mo., U. S. A., 48 cans tall size;" and each of the cans filled with the said milk was labeled: "Faultless Brand Pure Sterilized Evaporated Milk—Manufactured by the Faultless Condensed Milk Company, General Offices, Kansas City, Mo., U. S. A., Factory Tonganoxie, Kansas, U. S. A."

Examination of samples from said consignment made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: "Fat 5.15; total solids 15.95; protein 4.15; ratio of protein to fat 1 to 1.24." The libel alleged that said milk was transported from Missouri into Illinois, and remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, because the labels on the cans containing the milk represented it a pure sterilized evaporated milk otherwise known as a condensed milk, whereas in fact said milk was not a pure sterilized evaporated milk nor a pure sterilized condensed milk, but an imitation thereof, and was therefore liable to seizure for confiscation.

On June 5, 1911, no claimants to said product having appeared, and the case being in default, an order of default, forfeiture, and summary judgment of condemnation and destruction was entered by the court.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 8, 1911.*